

Remarks/Arguments

Claims 1-24 have been rejected as being anticipated (under 35 U.S.C. § 102(b)) or rendered obvious (under 35 U.S.C. § 103) by U.S. Patent 5,437,774 to *Laustsen* ("*Laustsen*"). Applicants respectfully traverse the rejection on the basis that *Laustsen* fails to describe or suggest the claimed method.

The Examiner states that *Laustsen* discloses "a range of membranes retention [sic: retention membranes], which would encompass the claimed range", and points specifically to *Laustsen* at col. 7, lines 25-30.¹ Applicants respectfully disagree.

Laustsen specifically states that "[s]eparation membranes and will have a molecular weight cutoff at least three times that of the retention membranes".² In contrast, in the claimed invention, "at least one of said at least one separation membranes has a molecular weight cut off that is higher than but less than three times greater than the molecular weight cut off of at least two of said of at least two restriction membranes" (emphasis added). Thus, *Laustsen* cannot reasonably anticipate the claimed invention because *Laustsen* teaches a completely different molecular weight cutoff range for the separation membranes relative to the retention (i.e. restriction) membranes. Accordingly, *Laustsen* cannot anticipate the claimed invention

Moreover, since *Laustsen* expressly teaches that the molecular weight cut off of the separation membrane is at least three times that of the retention membranes, *Laustsen* accordingly "teaches away" from the molecular weight cutoff of the claimed separation membranes in which the molecular weight cut off range of the separation membranes is "less than three times greater" than the molecular weight cutoff range of the restriction membranes. Accordingly, *Laustsen* cannot reasonably suggest the claimed invention.

For the reasons stated above, *Laustsen* fails to anticipate or suggest the claimed invention. Accordingly, Applicants respectfully request that the rejection be withdrawn.

¹ Office Action at page 2, second paragraph.

² *Laustsen* at column 7, lines 25-30

The foregoing amendments and remarks are being made to place the application in a condition for allowance. Applicants respectfully request reconsideration of and the timely allowance of the pending claims. Should the Examiner find that an interview would be helpful to further prosecution of this application, he is invited to telephone the undersigned at his convenience.

Except for issue fees payable under 37 C.F.R. 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §§ 1.16 and 1.17 which may be required, including any required extension of time fees, or to credit any overpayment to Deposit Account 50-1283. This paragraph is intended to be a **Constructive Petition for Extension of Time** in accordance with 37 C.F.R. 1.136(a)(3).

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